

September 20, 2010  
UNITED STATES COURT OF APPEALS  
Elisabeth A. Shumaker  
FOR THE TENTH CIRCUIT Clerk of Court

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In re:

KAISER-FRANCIS OIL COMPANY,  
  
Petitioner.

No. 10-6199  
(D.C. No. 5:09-CV-00007-R)  
(W.D. Okla.)

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**ORDER**

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Before **KELLY, EBEL**, and **HOLMES**, Circuit Judges.

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Kaiser-Francis Oil Company has filed a petition for a writ of mandamus asking this court to order the district court to disqualify R. Brad Miller as lead plaintiffs' counsel in the underlying class action. "[A] writ of mandamus is a drastic remedy, and is to be invoked only in extraordinary circumstances . . . to confine an inferior court to a lawful exercise of its prescribed jurisdiction or to compel it to exercise its authority when it is its duty to do so." *In re Cooper Tire & Rubber Co.*, 568 F.3d 1180, 1186 (10th Cir. 2009) (quotations omitted). In order to be entitled to a writ of mandamus, Kaiser-Francis must show that it has no other adequate means to attain the relief it desires and that its right to the writ is "clear and indisputable." *Id.* at 1187 (quotation omitted). We conclude that

Kaiser-Francis has failed to demonstrate its entitlement to a writ of mandamus.

Accordingly, we DENY the petition.

Entered for the Court

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", followed by a horizontal flourish.

ELISABETH A. SHUMAKER, Clerk